

**Bureau of Land Management
Winnemucca District Office
HRFO (W010)**

Categorical Exclusion Needs Assessment Form

CX#: DOI-BLM-NV-W010-2013- 0025-CX

Date: 2/4/2013

Lease / Case File / Serial #: SRP # NVW010-13-03

Regulatory Authority (CFR or Law): 43 CFR 2930

BLM Manual: H-2930

Subject Function Code: 8372

Is the project located within a Preliminary Priority Habitat? ☒ Yes ☐ No

Is the project located within a Preliminary General Priority Habitat? ☒ Yes ☐ No

Is the project located within a National Landscape Conservation System feature (NCA, Wilderness, WSA, ISA, Scenic or Historic Trails)? ☐ Yes ☒ No

1. BLM District Office: Winnemucca District Office

2. Name of Project Lead: Joey Carmosino

3. Project Title: 2013 Humboldt Co Ag District 3 – Endurance Mule Race

4. Applicant: Sheree Tibbals representing Humboldt Co Ag Distirict 3

5. Project Description: (briefly describe who, what, when, where, why, how)

Ms. Tibbals (representing the Mule Show Committee) has applied for a Special Recreation Permit to conduct a twenty-five mile mule endurance race on May 31, 2013. The purpose of this event is to provide participants and spectators with a varied menu of competitive rodeo events that exhibit the skills associated with western U.S. culture.

No new ground disturbance would result from the proposed activity. The proposed route is the same exact route used since 2000.

The 2012 event attracted 15 competitors.

Participants would bring mules from around the country to run in a twenty-five mile mule endurance race. The event would begin at the top of Golconda Pass adjacent to I80 and would follow existing primitive roads. The race finish (and spectators) will be at the Winnemucca Events Center.

A stock watering tank and veterinarian station would be provided at the half way point. The

proponents would provide for a sanitation station at the start point.

Project dimensions (length, width, height, depth): 25 miles x 5280 feet/mile x 12 feet wide x 1 acre/ 43,560 square feet

Total Acres: 36 acres

Will the project result in new surface disturbance? ☐ Yes ☒ No

Has the project area been previously disturbed? ☒ Yes ☐ No ☐ N/A

If yes, what percent of the project area has been disturbed? 100%. If only part of the project area has been disturbed, indicate disturbed area on map. Describe disturbance (and attach photo of disturbed area if you have one):

6. Legal Description:

T36N R38E sec. 09, 10, 12-16, 24, 25

T36N R39E sec. 07, 18, 19, 28-30, 32-36

T35N R40E sec. 03-06, 10-12

T35N R41E sec. 07, 08

USGS 24k Quad name: Golconda, Golconda Butte, Pole Creek, Weso, Winnemucca East

100k map name: Winnemucca, Osgood Mountains

Land Status: ☒ BLM ☒ Private ☐ Other_____.

7. **Add project to your version for the NEPA Geodatabase.** Using the NEPA Geodatabase and templates (T:\NV\GIS_Work\WMDO\Templates) **create PDFs** of 1:24,000 Project Location Map and 1:100,000 general vicinity map. For more guidance, see S:\NEPA\NEPA_2012\NEPA 2012 Templates\Proposed Action\CX Proposed Action Form and Instructions).

Part I: Plan Conformance Review

The Proposed Action is subject to the:

- ☐ Paradise-Denio Management Framework Plan
- ☒ Sonoma-Gerlach Management Framework Plan
- ☐ Black Rock Desert-High Rock Canyon Emigrant Trails NCA and Associated Wilderness and Other Contiguous Lands in Nevada RMP

The proposed action is in conformance with the applicable Land Use Plan (LUP) because it is specifically provided for in the following LUP decision(s):

The proposed action is in conformance with the LUP, even though it is not specifically provided for, because it is clearly consistent with the following LUP decision(s) (objectives, terms, and conditions):

Objective R1: Provide as many recreational opportunities as possible without undo environmental degradation in the Sonoma-Gerlach Area

Part II: NEPA Review

Categorical Exclusion Review: This Proposed Action qualifies as a categorical exclusion under:

- ☐ 43 CFR 46.210 DOI Implementation of NEPA of 1969, Listing of Departmental Categorical Exclusions (*formerly 516 DM2 Appendix 1*)
- ☒ 516 DM 11.9, (BLM) H.1. Issuance of Special recreation Permits for day use or overnight use up to 14 consecutive nights: that impacts no more than 3 staging area acres; and/or for recreational travel along roads, trails or in areas authorized in a land use plan.

ESA and BLM Sensitive Status Species

Evaluation Criteria	Yes	No
1. Are species listed under the Endangered Species Act likely to occur in the project area? If yes, list the species in Table 1 below. Verify with USFWS or use approved list.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2. Are BLM NV Sensitive Species, based upon the current IM, likely to occur in the project area? If yes, list the species in the Table 1 below.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Could the proposed action result in “take” under the Migratory Bird Treaty Act? If yes, attach appropriate mitigation measures.	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Table 1. Special Status Species that may occur in the project area:

ESA	BLM	Common (Scientific) Name	May Be Affected?	Mitigation for BLM Sensitive Species (The following stipulation(s) is/are recommended to be applied to the authorization) (Attach ESA Section 7 Compliance to Form, if applicable)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Townsend’s Big-eared Bat	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<input type="checkbox"/>	<input type="checkbox"/>	Greater Sage-grouse	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/> Yes <input type="checkbox"/> No	

Table 2. Migratory Bird Treaty Act Consideration

Potential MBTA Species w/in the Project Area Common (Scientific) Name	May Be Affected?	Recommended Mitigation (The following stipulation(s) is/are recommended to be applied to the authorization)
black-throated sparrow (Amphispiza bilineata) Brewer’s blackbird (Euphagus cyanocephalus), Brewer’s sparrow (Spizella breeri), canyon wren (Catherpes mexicanus), grey flycatcher (Empidonax wrightii), green-tailed towhee (Pipilo cholrurus), rock wren (Salpinctes obsoletus), sage sparrow (Amphispiza belli), sage thrasher (Oreoscoptes	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	None needed as the race will be run on existing two-track

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montanus), western meadowlark (Sturnella neglecta), and vesper sparrow (Pooecetes gramineus)		
	<input type="checkbox"/> Yes <input type="checkbox"/> No	
	<input type="checkbox"/> Yes <input type="checkbox"/> No	
	<input type="checkbox"/> Yes <input type="checkbox"/> No	

Mitigation Measures/Remarks (The following stipulation(s) is/are recommended to be applied to the authorization):

The Proposed Action has been reviewed to determine if any exceptions described in 43 CFR 46.215 Categorical Exclusions: Extraordinary Circumstances apply. (See attached page)

Part III: DECISION:

I have reviewed this plan conformance and NEPA compliance record and have determined that the proposed project is in conformance with the approved land use plan and that no other environmental analysis is required.

☐ Project authorization is subject to mitigation measures identified above. (This is a NEPA Decision. A separate program implementation decision is necessary.)

☒ Based on 43 CFR 2930 - Permits for Recreation on Public Lands, it is my decision to allow for implementation of the project, as described, with the mitigation measures identified above and attached as stipulations, conditions of approval, terms of conditions, etc. This is a combined NEPA and program implementation decision.

Authorized Official /S/ Vern Graham
(Signature)

Date: 4/9/13

Administrative Review or Appeal Opportunities

A person who wishes to appeal to the Interior Board of Land Appeals must do so under 43 CFR 4.411 and must file in the office of the officer who made the decision (not the board), in writing to Vern Graham, Field Office Manager, Humboldt River Field Office, 5100 East Winnemucca Boulevard, Winnemucca, Nevada 89445. A person served with the decision being appealed must transmit the notice of appeal in time to be filed in the office where it is required to be filed within thirty (30) days after the date of service.

The notice of appeal must give the serial number or other identification of the case and may include a statement of reasons for the appeal, a statement of standing if required by § 4.412(b), and any arguments the appellant wishes to make. Form 1842-1 provides additional information regarding filing an appeal.

No extension of time will be granted for filing a notice of appeal. If a notice of appeal is filed after the grace period provided in §4.401(a), the notice of appeal will not be considered and the case will be closed by the officer from whose decision the appeal is taken. If the appeal is filed during the grace period provided in §4.401(a) and the delay in filing is not waived, as provided in that section, the notice of appeal will not be considered and the appeal will be dismissed by the Board.

The appellant shall serve a copy of the notice of appeal and any statements of reason, written arguments, or briefs under §4.413 on each adverse party named in the decision from which the appeal is taken and on the Office of the Solicitor, Pacific Southwest Regional Solicitor, U.S. Department of the Interior, 2800 Cottage Way, Room E-2753, Sacramento, California 95825-1890. Service must be accompanied by personally serving a copy to the party or by sending the document by registered or certified mail, return receipt requested, to the address of record in the bureau, no later than 15 days after filing the document.

In addition, within thirty (30) days of receipt of this decision you have the right to file a petition for a stay together with your appeal in accordance with the regulations at 43 CFR 4.21. The petition must be served upon the same parties specified above.

Pursuant to 43 CFR 4.471(c), a petition for stay, if filed, must show sufficient justification based on the following standards:

- (1) The relative harm to the parties if the stay is granted or denied;
- (2) The likelihood of the appellant's success on the merits;
- (3) The likelihood of immediate and irreparable harm if the stay is not granted; and,
- (4) Whether the public interest favors granting the stay.

43 CFR 4.471 (d) provides that the appellant requesting a stay bears the burden of proof to demonstrate that a stay should be granted.

At the conclusion of any document that a party must serve, the party or its representative must sign a written statement certifying that service has been or will be made in accordance with the applicable rules and specifying the date and manner of such service (43 CFR 4.422(c)(2)).